IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7014 of 2004

Between:

Soyam Ramarao, S/o Venkatappa,
R/o Gangaram Village, Sathupalli Mandal,

Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam District at Khammam.
2 The District Panchayat Officer, Khammam, Khammam District.
3 The Mandal Revenue Officer, Sathupalli Mandal, Khammam District.
4 Gangaram Grampanchayat, represented by its Secretary,

Sathupalli Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action on the part of the respondents in not protecting Ac.0.05 guntas of land in Sy.No.133 of Bethupalli revenue Village situated at Gangaram Gram panchayat and located at West-South corner adjacent to Khammam-Ashwaraopet national highway, inspite of representation, dated 20-1-2004 is illegal, irregular, violative of Articles 14 and 300-A of the Constitution of India and also the provisions of A.P.Panchayat Act and rules framed there under and consequently direct the respondents to protect the said property by removing encroachments

Counsel for the Petitioner :MR.SATYANARAYANA NIMMAGADDA
Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

The learned Counsel for the appellant Sri Satyanarayana, Nimmagadda, himself made available copy of the decree dated 16-03-2004 in O.S. 136 of 1996 on the file of the learned Junior Civil Judge, at Sattupalli which reveals that the civil court decree with the suit filed by the fourth respondent herein against the very Gram Panchayat. We, in exercise of our judicial review of jurisdiction, cannot set aside the said decree and we cannot go in to the question as to whether the Surpanch of the Gram Panchayat properly contested the suit. Such course is not permissible in law.

However, it shall always be open to the appellant to avail such remedies as may be available in law and even challenge the decree.

Writ Appeal is accordingly dismissed.

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BRSR, J.

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KCB,J.

Dated:26-07-2004.

To

1 The District Collector, Khammam District at Khammam.
2 The District Panchayat Officer, Khammam, Khammam District.
3 The Mandal Revenue Officer, Sathupalli Mandal, Khammam District.
4 Gangaram Grampanchayat, represented by its Secretary,

Sathupalli Mandal, Khammam District.

5. Two CCs to Government Pleader for Panchayat Rat and

Rural Development,High Court of A.P., Hyderabad.(O.U.T).

6. Two CD copies.

RNS/GRR